

1885-013 Chancery Causes: Adm. of David R. Kane for & vs. John Riddle &c
Lee Co.

Fugate, Shoemaker, Jones

CA-Debt
T-Property

117.43
 109.00
 226.43

To The Honorable John A Kelly judge of
 the circuit court of Lee county
 Your Orator William C. Hupatt
 Administrator of ^{Estate of} David R. Keen dec'd
 who sues for the benefit of James L.
 Shoemaker same of Estate of H. S. Keen
 dec'd, would Respectfully Represent
 unto your Honor that at the
 Term 18 of your Honor's court he obtained
 a judgment against John Ridell and
 J. H. Jones for the sum of \$226.43, with
 interest on \$117.43 from the
 2 day of July 1858 and on \$109.00 the
 residue thereof from the 20th of August 1861
 till paid and \$7.50 costs, ^{at law} upon this
 judgment execution issued and
 has since been returned by the
 collecting officer no property found
 said judgment and execution
 with the endorsements thereon will
 hereafter be filed marked (D.B.)
 Your Orator says that said
 parties have no ^{personal} property liable
 to levy out of which said judgment
 can be made. Your Orator said
 said judgment docketed on the
 judgment lien book of the county
 Court of of said county.
 Your Orator would further say

that no part of said judgment has ever
been paid to him or the said beneficiary
or any part thereof but that the whole
amount thereof is still due and owing
to your brother for the benefit of the said
J. S. Haemmer (Administrator of H. K. Haemmer
deceased). Your brother would
further state that the said
John Ridall and the said J. H.
Jones both owned some real estate
situated in said county of Lee at the
time of said judgment, and upon
which said judgment is a lien
the said John Ridall owns several
tracts of land adjoining each other
in Lee county upon the Eastern end of
Turkey Cove upon which some of his
family now reside. The said J.
H. Jones owns about of about 600 acres
of land in said county in Turkey Cove
upon which he resides at the time of
the execution of said judgment, upon
all of which your brother's said judgment
is a lien, your brother says
that said lands will not rent
for a sum sufficient to pay
said judgment interest & costs
in five years, and your brother
being without adequate remedy

At Common Law and releasable
only in a court of Equity
~~being~~ ^{this} prayer therefore is that the said
John Riadall and J H Jones be
made parties defes to this Bill
that they be refused to answer
the same truly On Oath, that
upon a hearing your Honor
will by all proper and necessary
Orders and decrees direct, that
said bond or so much thereof as
will be necessary to pay said
judgment interest & costs at law
and costs of this suit be sold
and the proceeds of said sale be
applied to the payment of the same
unless it should appear that the parts
of said bond will pay the same
in less than five years then that
the same be ordered to pay the same
but should your Honor be in
any wise mistaken in the relief
herein sought then that your Honor
will grant in any and all such
Cases further and general relief as
to Equity belongs and is suited to the
case, May the ever merciful Lord
of spa immediately

Holaway

On July 5.55 July 1881.
 18.00
 1.00
 21.55
 72.60
 22.27
 4.62
 25
 27.14

CH
 Wm C. Lufkin same for
 as Bill
 John Rialer J. H. Jones

1877. Oct. Bill Filed & Exa
 Expecto & Decree nisi.
 " Nov. D. N. Contd & Del for hear-
 ing by Plff.
 1880. Mr. Decree & Contd
 Aug. Contd.
 1881. Mr. Contd. Aug. Contd
 1882. Contd this year
 1883. Mr. Aug. & Nov. Contd
 1884. continued
 1885. Mr. Decree returning

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Va.

This answer of John Riddle to a bill
filed in this honorable Court against this
respondent and others by Wm. C. Fugate
Admr &c for &c.

This respondent for answer to said
bill or so much thereof as he is advised
it is material for him to answer, answers
and says. That the rents and profits of his
said lands will in five years pay the
debt or judgement of the said Plaintiff
and he is ready to make and file a bond
binding himself to make the rents
and profits of said land pay said
debt in five years and now having
answered the Plaintiffs bill as fully
as he deems it material to answer
prays to be hence dismissed &c

Murison & Tinsman
for J. Riddle

Suborn to before me, by John Riddle, Decr 2nd 1879.
Jas W Orr. Clerk.

John Riddle et al

vs J. Ausman

Wm C. Sugan & Co. for

Filed Dec 2nd 1879.

Jas W. Orr. Clk.

To the Hon. J. A. Kelley Judge of the Circuit
Court of Lee County Va

The ^{return} demurrer of J. H. Jones to a bill
filed by W. C. Fugate Adm^r against
respondent & another

Respondent says his is advised the
bill of complainant is not good & suffi-
cient in law but there is good cause
of demurrer thereto & he does demur accordingly

Not waving said demurrer respondent
says this judgment is one procured
by complainant in the case of ~~Jones~~
vs respondent & ~~plff~~ is therefore bound
from proceeding in any other suit
thereof. Respondent further says
he suppose J. R. Riddle is good for
this debt, which is one in which
respondent is only security & the principal
respondent, co-defendant has lands on
which said judgment is a lien &
having fully answered respondent
prays to be hence discharged with
his costs & as in duty &c

Morrison & Duncan

Sworn to before me, by Jas H. Jones, Decr 24/1879.
Jas W. Orr, Clerk.

Jas. F. Jones & another

ads {^{P.R.}
P. F. J. Answer

Wm. C. Fugate Adm^r 7th

Filed Dec 2nd 1879.

Jas W. Orr, Clerk.

Wm C Huselt & Sons ²⁵ } In Chancery
John Reade & J H Jones }

this cause came on again this day to be heard
upon the papers formerly read & was
argued by counsel

and in appearing from other causes
pending in this court & report of court that
there is prior liens upon the land sought
to be sold, that are not yet satisfied
On consideration whereof

It is adjudged ordered & decreed that complainant
have execution against says for his debt interest
costs at law in said court mentioned and
the costs of this suit, and the same
is stricken from the docket with leave to
have the same reinstated by motion in court
should either party so desire. for the purpose
of carrying out the orders & decrees heretofore
entered in this court

Mr. C. Lafont turn over
rs 3/4 sent

John Rinner & J. H. Jones

March Term 1885

Entered page 427

John Hyatt
cc

Enter
J. A. K.
Mar 26/85

Wm. C. Lufkin & Sons }
vs two cases } In Chancery
John Readall & al

These causes came on again this day
of March to be heard upon the papers
formerly read & report of Comrs
and was argued by counsel
And it appearing from the report
of the Comrs heretofore appointed
to see the lands of Defendant
John Readall. Offerer the same
for sale but in consequence of
other & prior liens upon the lands
was unable to get any bid for
said land

On consideration whereof it is
advised the Court ordered that
that W. J. Morgan one of the Comrs
of this Court take and state an
account showing what liens
there is upon the lands of said
John Readall and their promises
and conditions. said Comrs will also
ascertain the amount of lands said
liens are upon, and report their facts
to Court together with any other
matter he may deem pertinent
and the causes are continued

Wm. C. Lupton Junior
no 3 seen
John Riddus as

Entered on 12 92 93.
Jas. W. Ott. Clerk.

Enter
Jas. W. Ott.
Mar 24/80

To the Hon John A. Kelly Judge of the
Circuit Court of Scott County

The undersigned having been appointed a
special Commissioner in a chancery cause now pending in
your Honor's Court in favor of W. C. H. Hufall
vs J. A. Jones & John Riadall to
sell the land described in the bill & proceedings
in said cause mentioned by leave to state
that after advertising the time & place as
directed in said decree offered the lands
belonging to John Riadall to the highest bidder
on the 28th day of March 1880. And being on
the first day of the Circuit Court, when
there was many persons present.

Failed to get any bid whatever upon
the lands of said John Riadall, and
consequently supposed that this failure was from
the fact that there was either liens
upon the land. One was a deed of trust
for the benefit of P. Hufan and an other
cause was that there was either liens
upon the land. One in favor of W. C.

Hufall vs J. A. Jones and believes it
would be right and proper that

said cause should be referred to one
 of the Comrs of said House Court
 to take an account having all
 the liens upon the lands of said said
 Riadell his heirs to whom and
 and their assigns, and that said
 Comrs show the amount of loan
 upon which said judgments and
 liens that Justice may be properly
 meted out to each ~~liens~~ creditor
 All of which is Respectfully
 Submitted

J. M. Holaway
 A. S. President } Comrs?

Wm. V. H. H. H. H. H.
 200 1/2 3 Comrs
 200 1/2 3 Report
 John Riadell et al
 Filed Mar 24th 1880.
 Jas. W. Orr. Clerk

A circuit Court continued and held for
Lee County, at the Court House thereof on
Saturday the 30th day of March 1878.

Wm C. Ingate Admr. de bonis non of David R.
Kane dec'd, for the benefit of James L. Shoemaker
Admr. of Henry S. Kane dec'd.

Plaintiff

In Debt

vs
John Riddle & J. L. Jones

Defendants

By agreement of the parties, it is considered by
the Court that the Plaintiff recover against
the defendants \$226.43 the debts in the decla-
ration mentioned, with legal interest on \$117.43
part thereof from the 2nd day of July 1858, and
on 109⁰⁰ the residue thereof from the 20th day of
Aug. 1861 until paid, and the costs, And no
execution is to issue on this judgement until
after the 1st day of September 1878.

Wm C. Sugate Adams
for &c -

vs 3 Copy of Judgt
John Riddle et al

85
99
184

Exhibit "A"

Fee for this Copy 20¢

The Commonwealth of Virginia-

To the Sheriff of Lee County - Greeting:

We Command you, That of the Goods and
Chattels of John Riddle and James F. Jones
late in your Bailiwick, you cause to be made
\$226.43 with legal interest on \$117.43 from
July 2nd 1858 & on \$109.⁰⁰ from the 20th
day of Aug. 1861, till payment which
W^m C. Legate Admr for David R. Kane dec'd
for James L. Shornaker Admr of H. S. Kane
deceased, lately in our Circuit Court for
Lee County has recovered against them
for debt, also \$7.60 which to the said Admr
for dc. In our said Court were adjudged
for his costs in That behalf expended, whereof
the said Riddle & Jones are convicted as
appears to us of record. And That you
have the same before the Judge of our said
Court, at the Court-house on the 1st Monday
in March next to render to said Admr &c
of the debt and costs aforesaid - And have
then thereon this writ, Witness James W. Orr, Clerk
of our said Court at the Court house
this 21st day of Dec. 1878, in the 103rd year of
the Commonwealth.

James W. Orr, Clerk
A Copy
Jest. Jas. W. Orr, Clerk.

M^m C. Fugate Adams
for re-

vs E. H. Fa

John Riddell et al

Exhibit "B"

See for this copy. 25[¢]

To the Honorable John A. Kelly Judge of the Circuit
Court of Lee County, Virginia

The Defendants John Ridelle and James
Honus to a bill filed in this Honorable
Court against them by W^m L. Fugate
Samer. &c. for &c. by their Atty Coun and
say that the said Pltff should not
here and maintain this aforesaid
action against them because these
Defendants say that the said Plaintiff
has already ~~filed~~ his judgment and
is proceeding to collect the same in the
Cause of E. C. & C. H. Loe Executors
now pending in this Honorable Court
against this respondent & others
wherefore they say that said Pltff should
not here and maintain this action
against them & this they are ready
to verify &c.

W. Morrison & James
for Defs.

John Riddle Dals
vs. 3 Pleas
Wm C. Fugate Attorney

Filed Decr 2nd 1879.

Jas W. Orr. clerk.

1880	3	23
1858	7	2
21	8	21
1880.	3.	23
1861	8	20
18	7	3

109.00	9117.43	11743
18	21	4
87200	11743	46972
10900	23486	39
196200	24660.3	10900
6	6	32700
11772.00	1479618	
327	508.1	
120.99	153.04	2nd to 23 March 80.
	11743	
	270.47	for 2nd
	10900	2nd
	12098	2nd to 23 March 80
	500.46	
	760	cost at same
	508.06	
	25.00	supposed cost
	533.06	sum.

see also Process book for this sum

Memorandum

The Commonwealth of Virginia.

To the Sheriff of Lee County—Greeting:

We Command you to Summon

John Riddle & James

T. Jones

To appear at the Clerk's office of the Circuit Court of Lee county, at the court-house, on the first Monday in *Oct.* next, being rule day, to answer a bill in chancery, exhibited in our said court against *them*

by Wm C. Hugate Admr. of David

R. Kame decd, who sues for the benefit of James L. Shoemaker Admr. of Estate of H. S. Kame decd,

And have then there this writ. Witness, Jas. W. Orr, clerk of our said court, at the court-house, this *6th* day of *Sept.*, 1879, in the 104th year of the Commonwealth.

J. W. Orr Jr. D
Clerk.

H.

Wm C. Trugate Adm. pro

78 Eka in chy

John Riddle et al

Oct. Rules 1879

Edicuta

Fr. mieu &

fr L. Kelly & Co